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PATENT COOPERATION TREATY 10/527524 ALL

From the:  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**PCT**  
NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY EXAMINATION  
REPORT

(PCT Rule 71.1)

To:

Davies Collison Cave  
PO Box 2219  
MILTON BUSINESS CENTRE QLD 4064

Date of mailing  
day/month/year

13 JAN 2005

Applicant's or agent's file reference  
12177752/PT/ls

**IMPORTANT NOTIFICATION**

International Application No.  
PCT/AU2003/001194

International Filing Date  
11 September 2003

Priority Date  
11 September 2002

Applicant

WILKS, Alice Wendy et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.
4. **REMINDER**  
  
The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).  
  
Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.  
  
For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide

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Reg'd PCT/PTO 10 MAR 2005  
**BRISBANE**

## PATENT COOPERATION TREATY

**PCT****10/527524****INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 12177752/PT/Is	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. <b>PCT/AU2003/001194</b>	International Filing Date (day/month/year) 11 September 2003	Priority Date (day/month/year) 11 September 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. <sup>7</sup> E04G 21/32		
Applicant WILKS, Alice Wendy et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 8 April 1999	Date of completion of the report 7 January 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>XAVIER GISZ</b> Telephone No. (02) 6283 2064

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**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 2, 3, 10-12, 17-23, 25, 27, 29-32	YES
	Claims 1, 4-9, 13-16, 24, 26, 28, 33, 34	NO
Inventive step (IS)	Claims 2, 3, 17-23, 30-32	YES
	Claims 1, 4-16, 24-29, 33, 34	NO
Industrial applicability (IA)	Claims 1-34	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)**

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1....AU 23804/99

D2....WO 1999/049154

**Novelty (N) Claims 1, 4-9, 13-16, 24, 26, 28, 33, 34**

Claims 1, 7-9, 13-16, 24, 26, 28, 33, 34: D1 discloses a roof safety device (10) attachable onto the edge of roofing material comprising an attachment member (13) which releasably clamps the device to the edge of roofing material, a metal plate (11) which extends over the top of the roofing material which acts as a force distribution member; a stop structure (12) in the form of a wall that engages with the edge of the roof, and a connection means (17) attached to metal plate (11) near attachment member (between 10 and 20 cm), the connection means allows a safety line (18) to be attached to the roof safety device (10). The connection means takes the form of an 'eye' (figure 1). An adjustable gap is formed between first side structure (11) and second side structure (22) to locate around and clamp the edge of a roof (page 6 lines 8 to 13). The connection means is considered to be both 'in the vicinity of' (claim 1) and 'at or around' (claim 7) the attachment member.

Claims 4, 5, 6: D1 discloses the distance from the connection means to the roof attachment member is between 10 to 20cm (page 5 lines 31 and 32), and therefore it is clearly within the 50cm, 25cm and 10cm ranges claimed.

Similarly D2 discloses the invention defined in claims 1, 8, 9, 13-16, 24, 26, 33, 34.

Claim 28: D2 discloses a connection means (21) in the form of a shackle (figure 2)

**Inventive Step (IS) Claims 1, 4-16, 24-29, 33, 34**

Claims 1, 4-9, 13-16, 24, 26, 28, 33, 34 also lack inventive step for the reasons given above.

Claims 11, 12: Adding a layer of padding with slip resistant material onto a surface of a component of the roof anchor that engages with the roof would be considered a workshop improvement to a PSA.

Claims 10, 25: Making the first side structure and force distributing members of shapes that conform respectively to the underside and outer shape of the roof would be considered workshop improvements to a PSA as a means of reducing slippage of roof anchor and consequently lacks inventive step.

Claim 27: Making the connection member eye removably mounted in an aperture would be considered a workshop improvement to a PSA and consequently lacks inventive step.

Claim 29: Having the safety line permanently attached to the connection means would be considered a workshop improvement to a PSA and consequently lacks inventive step.